

Testimony of Douglas S. Pelham, Esq.

on behalf of

Environmental Professionals' Organization of Connecticut

Raised Bill 6526, An Act Concerning Brownfield Remediation and Development
As An Economic Driver

Commerce Committee

March 9, 2011

The Environmental Professionals' Organization of Connecticut (also known as "EPOC") was formed in 1996 to represent the interests of Connecticut's Licensed Environmental Professionals. LEPs are the people who are authorized by the DEP to perform investigation and remediation of property in Connecticut and certify, through a Verification, that the property meets the Connecticut Remediation Standard Regulations. The LEPs are therefore directly affected by the policies and procedures established under the General Statutes and their associated regulations for investigation and remediation of contaminated sites in Connecticut, including brownfields. We applaud the efforts of the Brownfields Task Force in putting together this bill, because it will improve the return of brownfields in Connecticut to productive use.

EPOC supports passage of HB 6526. In particular:

EPOC Supports Section 4 of the bill, because it clarifies that a seller of a property subject to the Transfer Act who is a Certifying Party under a Form III or Form IV is not responsible for contamination that happens after the sale. This eliminates a DEP policy, the result of which required a seller to investigate and remediate contamination caused by the buyer of the property, because the DEP would not allow the seller's LEP to issue a Verification for the site unless any post-sale releases were addressed.

EPOC Supports Section 5 of the bill, with suggested substitute language as attached to this testimony, because it requires periodic review of and revision to the Remediation Standard Regulations.

EPOC Supports Section 13 of the bill, because it provides for a more streamlined method for imposing activity and use restrictions, therefore decreasing the time needed to close out brownfields.

For all the foregoing reasons, the Environmental Professionals' Organization of Connecticut urges the committee to favorably report HB 6526.

Thank you for the opportunity to appear and testify on this matter. I would be pleased to answer any questions that you may have.

Environmental Professionals' Organization of Connecticut

Substitute Language Recommendations to Section 5 of Raised Bill No. 6526

Sec. 5. Section 22a-133k of the general statutes is amended by adding subsection (c) as follows
(*Effective from passage*):

(NEW) (c) In accordance with the provisions of chapter 54, the commissioner shall review and recommend revisions to the Remediation Standards Regulations, R.C.S.A. sections 22a-133k-1 through 22a-133k-3 [standards for the remediation of environmental pollution at hazardous waste disposal sites and other properties which have been subject to a spill, as defined in section 22a-452c,] as have been adopted pursuant to subsection (a) three years after the effective date of this section and, every five years thereafter, the commissioner shall hold a public hearing on the adequacy of such standards and revise such standards as may be deemed necessary to insure that the regulations shall adequately [fully] protect human health, public welfare and the environment, are feasible, and are consistent with widely [the best scientifically] available scientific information, including consideration of the standards adopted by the federal government.